



**"The City With a Heart"**

Larry Franzella, Mayor  
Jim Ruane, Vice Mayor  
Ken Ibarra, Councilmember  
Irene O'Connell, Councilmember  
Chris Pallas, Councilmember

## **MINUTES**

### **CITY COUNCIL REGULAR MEETING**

### **May 10, 2005**

#### **THIS IS TO CERTIFY THAT:**

The San Bruno City Council met in regular session on Tuesday May 10, 2005, at 1555 Crystal Springs Road (Senior Center) and the meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

**1. ROLL CALL:** Presiding was Mayor Franzella with Councilmembers Ruane, O'Connell, Pallas, and Ibarra in attendance. Recording by City Clerk Simon. Police Chief Violet led the PLEDGE OF ALLEGIANCE.

#### **ANNOUNCEMENTS:**

- a. **65<sup>th</sup> ANNUAL "POSY PARADE"** sponsored by the San Bruno Lions Club will be held Sunday June 5, 2005. This year's theme is **SAN BRUNO A CITY WITH A HEART**.
- b. The **Redevelopment Agency of San Bruno** will convene its meeting prior to discussion of agenda item 9. e.
- c. **Mayor Franzella** announced Saturday May 14, 2005, was the U.S. Postal Service Letter Carriers Association sponsorship of the **"Stamp Out Hunger Food Drive"**. Any food/can goods left out at the mailbox will be picked up and donated.

**2. REVIEW OF AGENDA:** No changes were made.

**3. APPROVAL OF MINUTES:** The regular City Council meeting minutes of April 26, 2005, was approved as submitted.

**4. CONSENT CALENDAR:** All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff.

- a. **Approve: Payroll** of April 22, 2005.
- b. **Approve: Accounts Payable** of April 11 & 18, 2005 (Council Packets only, copy is available for review at the City Clerk's office).
- c. **Adopt: Resolution temporarily closing certain streets** in connection with the 65<sup>th</sup> Annual Posy Parade on June 5, 2005, and authorizing use of City Park ball fields and police department assistance with traffic control.

**M/S Ibarra/Ruane** to approve all items on the consent calendar was passed by unanimous vote.

**5. PUBLIC HEARINGS:** (Notices have been published, posted, and mailed.) **None**

**6. UNFINISHED BUSINESS:** **None**

**7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACT:**

- a. Interim Community Development Director Jackson recommended the City Council adopt resolution authorizing the City Manager to execute an amendment to the professional services agreement with Dyett and Bhatia in the amount of \$43,070 for completion of the **General Plan Update and Environmental Impact Report (EIR)**.

Interim Community Development Director Jackson introduced Aaron Akin, Senior Planner who gave the staff report to the Council. The goal is to have the General Plan adopted by year-end. State law will require our zoning code to be in compliance with the General Plan and the cost will be included in the 2005-06 Capital Improvement Budget.

**Councilmember Ibarra** introduced the resolution for adoption with a roll call of all ayes.

- b. Finance Director O'Leary recommended the City Council adopt resolution authorizing City Manager to execute a professional services agreement with Revenue & Cost Specialist, L.L.C. in the amount of \$29,000 to prepare a **cost allocation plan and development fee study** for development related services.

Nick Pegueros, Assistance Finance Director gave the staff report. The study will document the City's actual cost for providing services to the development community and identify areas where the General Fund is subsidizing these cost. Full cost recovery will help fulfill the goals outlined in the priority focus.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call vote of all ayes.

- c. Public Works Director Munns recommended the City Council adopt resolution authorizing the City Manager to execute a construction contract amendment with Flowers Electric and Service Company in the amount of \$19,167 for additional work to complete the Supervisory Control and Data Acquisition (SCADA) **Upgrade Project at Well 20**.

Director Munns gave the staff report. There is additional electrical work required at Well No. 20.

**Councilmember Pallas** asked staff to confirm that the Forest Lane Well is down and now there are three wells off-line. Without these wells, there is an increase in water cost of \$1600 per day or \$584,000 per year. This is a lot of money and these wells should be repaired now. Our wells are producing less than half of the water used and Council policy is to have 50% or more of our water to come from wells.

**Councilmember Ibarra** asked with the approval of this change order, are we still within the budget for Well 20? Director Munns replied yes we are.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call vote of all ayes.

- d. Recreation Services Director Mazzuca recommended the City Council adopt resolution authorizing the City Manager to execute a contract with the lowest qualified bidder for the **Senior Center Floor Replacement Project**. Bid opening is scheduled for Friday, May 6, 2005, at 10:00 a.m.

Parks and Recreation Services Manager Perazzo gave the report to the Council. The low bidder was Kim's Flooring in Hayward in the amount of \$49,500. Funding has been included in the Capital Improvement Budget.

**Councilmember Pallas** asked what would happen when the main room will be closed for re-flooring? Manager Perazzo replied the project would take place from June 15 to June 26, 2005. Programs such as lunch will be moved to other areas, hallways, or outside, weather permitting.

**Mayor Franzella** said we would do everything possible to minimize disruption to services.

**Vice Mayor Ruane** asked if we would be using similar tiles for the new flooring?

Manager Perazzo replied we would be using sheet linoleum, which is the best product and will last for decades.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call of all ayes.

- e. Public Works Director Munns recommended the City Council adopt resolution authorizing the City Manager to execute a professional services agreement with CHS Group in the amount of \$17,000 to provide engineering services for the **City Wide Engineering and Traffic Survey Project** as approved in the 2004-05 Capital Improvement Budget.  
Deputy Public Works Director Buck gave the report and said speed limits on major streets must be periodically evaluated so that the use of police radar can continue.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call vote of all ayes.

## 8. COMMUNICATIONS: None

## 9. STAFF REPORTS:

- a. CATV Director Gyaltsen recommended the City Council adopt resolution to increase **Cable Television Preferred Cable Service** rate by \$2.18 to \$41.70 effective July 1, 2005.  
Director Gyaltsen gave the staff report. Internet Service will be available for non-Cable TV customers. Staff is recommending the limited basic rate remain the same. The increase requested will go to offset the additional programming cost. The June billing statement will have a notice to inform the customers of the rate increase.

**Councilmember Pallas** asked if we would lose customers due to this increase in rates? Director Gyaltsen replied it is possible customer will switch. Many customers moving to a "Dish" service come back because they received a teaser rate for the first three months then rates went up much higher than the rate charged by San Bruno Cable TV.

**Councilmember Ibarra** said other large companies receive a cheaper rate for programming because of larger volume.

**Councilmember O'Connell** said we are marketing Internet Service without cable hook-up. Some customers will enjoy a decrease in rates if they are on level one Internet Services.

**Councilmember O'Connell** introduced the resolution for adoption with a roll call vote of all ayes.

- b. Public Works Director Munns recommended the City Council adopt a resolution approving the Summary Vacation of an existing Public Roadway Easement and two existing Sanitary Sewer Easements on property located at **The Crossing subdivision**.

Director Munns said this is only a housekeeping matter.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call vote of all ayes.

- c. Finance Director O’Leary recommended the City Council adopt resolution amending the 2004-05 Enterprise Funds Budget to appropriate \$586,000 for 2003-04 share of principal and interest for the State Department of Water Quality loan. Loan finances improvements at the San Bruno-South San Francisco **Joint Waste Water Treatment Plant**.

Director O’Leary gave the staff report. San Bruno and South San Francisco share the expenses on the wastewater treatment plant. Debt service for the loans used to make improvements is required at this time and the City just received an invoice for last year.

**Councilmember Pallas** asked if the City of Daly City was using the plant also? Director Munns replied no they do not. The North Bayside User Group made up of Millbrae, SFO Airport, and Burlingame use the plant to pump effluence into the Bay. They do pay a share of the expenses.

**Councilmember Pallas** asked if treated water from the plant could be used as recycled water and have there been negative effects from chloramine water discarded into the Bay such as killing fish? Director Munns replied that studies are underway to determine if treated water might be used for irrigation or other purposes. The level of chloramine being discharged into the Bay from the treatment plant has a diminutive impact.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call vote of all ayes.

- d. Finance Director O’Leary recommended the City Council adopt resolution **amending franchise agreement** with San Bruno Garbage Company related to cost saving incentives and the allocation of overhead.

Director O’Leary gave the staff report to the Council. The San Bruno Garbage Company has been able to expand their out of City drop box service and the rate payers will benefit by an allocation of expenses. Secondly, an incentive will be provided to the Company to reduce expenses such as land fill cost.

**Councilmember Ibarra** introduced the resolution for adoption with a roll call vote of all ayes.

**At approximately 8:15 p.m. the Redevelopment Agency of San Bruno meeting was called to order.**

- e. City Manager/Executive Director Jackson recommended the Council/Agency receive report and provide direction related to clarifications, definitions, and interpretations of specific building height and land use restrictions in the Redevelopment Project Area associated with **Ordinance 1284**. (Prior to discussion of this item, the City Council called the meeting of the Redevelopment Agency of San Bruno to order, as this issue affects both legislative bodies.)

City Manager/Executive Director Jackson gave the staff report and requested the Council/Agency Board give their interpretation of Ordinance 1284 as it relates to the Redevelopment Project Area and provide direction to the staff.

Gary Binger, Interim Planning Director provided the Council/Agency with the details of Ordinance 1284, and reviewed the five elements involved. The legal analysis received from the law offices of Bingham

McCutchen is that the Redevelopment Authority plans tend to over ride zoning initiatives. The attorneys looked at the five separate elements of the ordinance. The findings were; buildings higher then 50 feet does apply within the redevelopment area; buildings over three stories also applies; multi-story parking structures also applies; increases in residential density would be allowed in areas outside the residential conservation areas; and finally encroachment on certain streets does not apply. The zoning code does not interpret what a story, basement, or mezzanine is. Staff should prepare amendments to the zoning ordinance to define each clearly.

**Vice Chair/ Vice Mayor Ruane** asked if we are talking about parking structures above grade? The reply was yes. He said in 1977 there were no live/work lofts and other units like today. He agrees with staff that we should try to define how things can fit within the 50 feet limit and how modern day structures can be used in the Redevelopment Agency Project area, especially downtown, and along El Camino Real.

**Agency/Councilmember Ibarra** asked if there is a provision where the 50 feet measurement is taken from on the lot if not at grade? Has the City received challenges on 1284 to any development? City Manager/Execute Director Jackson said there have been no challenges. The City has been very consistent with its compliance to Ordinance 1284. The issue prompting consideration is that there are development proposals requiring us to be very specific on building requirements.

**Agency/Councilmember Ibarra** asked what type of parcel would be allowed to increase density? Mr. Binger said there are small parcels on the edge of the residential conservation areas and in the downtown corridor such as the West side of Mastick Avenue.

**Agency/Councilmember O'Connell** asked how it relates to developers wanting to put parking underground and residents above. Mr. Binger said one of the recommendations is to clarify how to handle basements, underground parking, and should it be classified as a story.

**Agency/Councilmember Pallas** said in 1977 they had different ideas and maybe we should contact the authors of Ordinance 1284 to determine what their intent was.

**Chair/Mayor Franzella** said no matter how we define a story or basement, the 50 feet height limit will stand.

**Jack Matthews** of San Mateo and representing CHS Development said he was expecting a different outcome tonight. His firm responded to a RFP by the City to look at the former Wells Fargo site and came up with ideas. There was a mention of the 50 feet height limit but not 3 stories. 50 feet and 3 stories do not go together, you could easily put 4 stories in 50 feet. His firm had complied with the City's request over a year ago with no results. They could not conform to 3 stories and still have a viable project.

**Rose Urbach** of Euclid Avenue said 3 stories and 50 feet are in the ordinance and the purpose was to bring down the density with a maximum of 30 units per acre. We must vote on anything else.

**Mike Kaiser** of 5<sup>th</sup> Avenue was on the General Plan Committee in 1977 and 3 stories is from street level. A story is a living space of at least 7 ½ feet. He complimented CATV for great advertising of Operation Clean Sweep. This same type of advertising should be used to promote the Posy Parade and for no illegal fireworks being allowed in San Bruno.

City Manager/Agency Executive Director said staff recommendations are not tied to any specific project. The issue Mr. Matthews brought up will be addressed after the zoning ordinance is amended.

**Agency/Councilmember Ibarra** said, “Regarding Mr. Matthews’ project”, it was never clear it would be four stories. What is the flexibility of the Redevelopment Agency, which will allow us to challenge the wording of this ordinance? If four stories fit within 50 feet can we approve?

City Attorney Thompson replied the Agency has the discretion to interpret the plan and should be on a strong legal foundation as staff’s recommendations has provided. Clarifying what a story is and other definitions is important to determine which provisions in Ordinance 1284 apply to the Redevelopment area.

**Chair/Mayor Franzella** said staff needs direction and **made a motion** the Council/Agency has determined the 50 feet height limit does apply, the multi-story garages require a vote of the people, changes in streets does not apply, density does not apply, and a need for a zoning amendment to define what a story is above or below ground.

**Agency/Councilmember Ibarra** **seconded the motion** and asked for **an amendment** to have staff define how the height is determined. It was agreed to by motion maker to have staff determine whether it is the high point, top or bottom of the lot, or other method to measure height.

**Chair/Mayor Franzella** called for the question and the motion passed with a unanimous vote.

**Chair/Mayor Franzella** adjourned the Redevelopment Agency meeting and reconvened the City Council meeting at approximately 8:30 p.m.

## **10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None**

## **11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:**

**Scott Buschman** of Claremont Drive requested the record be clarified regarding construction activities for the Jefferson-Martin 230-KV Transmission Line Project. PG&E had stated one lane of San Bruno Avenue would be closed during the day but re-opened at night. However, there will be 150-foot sections of trenching and manhole work, which will block off the street for four days at a time. “K-rails” will be kept in place closing the lane. He is concerned about safety and convenience for residents.

**Mayor Franzella** responded PG&E has scheduled an information meeting for the public later this month to review construction details. Notices will be sent shortly.

## **12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

- a. The Traffic Safety and Parking Committee recommended City Council adopt resolution authorizing the establishment of a **No Parking zone** along both sides of Sneath Lane from El Camino Real to Skyline Boulevard.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call vote of all ayes.

- b. Appointment of San Bruno representative to the Peninsula Policy Partnership (P3) board of directors.

**M/S Ruane/Pallas** to appoint the City Manager to serve on the P3 board and passed with a unanimous vote.

### **13. NEW BUSINESS:**

#### **Closed Session regarding:**

- a.** Government Tort claims of Rudy Alva, Rafael Guterrez, and David Raff (645, 649, and 657 6th Avenue) regarding **alleged damages from sewer back up.** (Gov't Code 54956.9(a)(3)(C))  
Direction was given to the City Attorney.
- b.** Government Tort claims of multiple claimants including building owners Eileen & Mike Isola and Joseph Hayes and tenants (172, 175, 176, 179 Linden and 176, 187, 189 Poplar, and 847 San Felipe) regarding **alleged damages from water main break.** (Gov't Code 54956.9(a)(3)(C))  
Direction was given to the City Attorney.
- c. Labor negotiations** with the San Bruno Professional Fire Fighters Association. (Gov't Code Section 54957.8)  
Direction was given to the City's negotiating team.

### **14. ADJOURNMENT:**

With no further business to transact, meeting was adjourned with a moment of silence in memory of

#### **Les Kelting**

a long time San Bruno resident and a 25 year member of the San Bruno Planning Commission who passed away in late 2004. The City was just notified today. Meeting adjourned to the next regular City Council meeting scheduled for Tuesday May 24, 2005, 7:00 p.m. at the Senior Center, at 1555 Crystal Springs Road.

**Respectfully submitted for approval  
at the regular City Council meeting  
of May 24, 2005**

**Ed Simon, City Clerk**

**Larry Franzella, Mayor**